

# Children and Young People's Service

## School Admission Appeals A Guide for Parents

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك مثلاً:

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা কয়মেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如您需要以另一語言或另一格式製作的信息，請與我們聯絡。

Pokud byste požadovali informace v jiném jazyce nebo formátu, kontaktujte nás

اگر این اطلاعات را به زبانی دیگر و یا در فرمتی دیگر میخواهید لطفاً از ما درخواست کنید

Si vous souhaitez des informations dans une autre langue ou sous un autre format  
veuillez nous le demander

ئەگەر زانیاریت بە زمانیکی که یا بە فۆرمیکی که دەوی تکایە داوامان لی بکە

Jezeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie,  
prosimy dać nam znać.

Se deseja obter informação noutra idioma ou formato, diga-nos.

Если вы хотели бы получить информацию на другом языке или в другом  
формате, просим обращаться в администрацию.

Haddii aad rabtid in warar lagugu siiyo hab luuqadeed o kale fadlan na soo waydiiso

Póngase en contacto con nosotros si desea recibir información en otro idioma o  
formato.

Türkçe bilgi almak istiyorsanız, bize başvurabilirsiniz.

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



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## INTRODUCTION

Choosing a school for your child can be a very difficult decision. Although there has never been a 'free choice' of school, you do have a legal right to express a preference and to give your reasons why you want your child to attend a particular school. Most children are able to attend their parents' first preference school, unfortunately this is not possible for all children. In some cases, the preferred schools are full and extra pupils in a particular class would affect the overall quality of education received by all pupils at the school.

It is hoped that agreement can be reached with you about which school your child attends, but this may not always be possible. Under the School Standards and Framework Act 1998, as amended by subsequent legislation, you have the right to appeal to an Independent Appeals Panel if you are not offered a place at your preferred primary or secondary school.

The appeal procedure is governed by The School Admission Appeals Code. At the appeal hearing, you are given the opportunity to tell an Independent Appeal Panel why you wish your child to go to your preferred school. This booklet explains how to make an Appeal and tells you what happens at an Appeal Hearing.

If your child has a Statement of Special Educational Needs the admission appeal procedure is not the appropriate course of action to follow. Parents whose children have a Statement of Special Educational Needs, who do not agree with the decision regarding their child's education, have the right of appeal to the Special Educational Needs and Disability Tribunal. For further information please contact the Special Educational Needs & Disability Team. (Tel: 225 6231).

It should be noted that this guide is not intended as a substitute for independent legal advice and no liability is accepted if any of the information contained in it is incorrect or alters after publication. This Guide applies to the Voluntary Controlled and Community schools. It does not apply to the Academies, Voluntary Aided, Trust or Foundation schools. In these schools the school governors are responsible for the appeals procedure.

## HOW DO I MAKE AN APPEAL?

1. If the Local Authority does not offer your child a place at your preferred school you can appeal against the decision.
2. You should complete the enclosed form entitled 'Notice of Appeal Form'. Make sure you have read this booklet and the form through before filling it in and ask someone to help you if you have any problems with the form. If you require advice about the form you can contact Liverpool Direct Ltd, the telephone number is shown at the end of this booklet.
3. It is important that you include on the form every detail, which you feel is relevant to your appeal. The form will be made available to the Appeal Panel before the hearing and it is therefore important that you complete it carefully.
4. It is important to note that, when considering a request for admissions the only address that will be considered, is the permanent address where the child lives. The Local Authority defines the home address of a child as the address of the parent(s) or legal guardian(s). Your address plays an important part in the appeal. You are strongly advised to provide evidence of your current or new address if you are planning on moving house. The Appeal Panel will ask to see this evidence which could be a council tax bill, a tenancy agreement, a utility bill (water, gas or electric) or a letter from a solicitor confirming exchange of contracts.
5. If your appeal is based on medical grounds, you are strongly advised to produce medical evidence for the Appeal Panel in support of your appeal.
6. If your appeal is based on bullying grounds, you are strongly advised to produce evidence of the bullying for the Appeal Panel in support of your appeal.
7. When completed the Notice of Appeal Form should be returned to Liverpool Children and Young People's Services, Pupil Admissions Team, Municipal Buildings, Dale Street, Liverpool L2 2DH.



## WHAT HAPPENS NEXT?

1. The majority of appeal hearings generally take place during May, June and July prior to the September admission. However, appeals are heard throughout the rest of the year as required. Generally appeals are avoided in the school holidays because schools often wish to send a representative to the appeal hearing.
  2. Once your appeal form has been received, it will be acknowledged within 10 working days. If you do not receive this acknowledgement, please telephone Liverpool Direct Ltd to check that we have received your form. The telephone number is shown at the end of the booklet.
  3. The Pupil Admissions Team will forward your appeal form to the clerk to the Appeal Panel, in Committee Services. He/she is responsible for organising panel members and for sending you a letter giving the date, time and place of the appeal hearing.
  4. You will receive at least 10 school days written notice of the date, time and place of the appeal hearing in order for you to prepare your case. This is a legal requirement.
  5. When you receive the letter giving you details of the date, time and place of the appeal, you will also receive a statement from the Local Authority, which will give the reasons why your child was not allocated a place in the school you wanted and a copy of your Notice of Appeal Form
- People who have experience in education.
3. Advising the Appeal Panel is a clerk who ensures that the correct procedures are followed and that the appeal hearings are conducted fairly. The clerk plays no part in the decision making process other than to provide advice on the process.
  4. Also in attendance is an officer from the Local Authority who will explain to you and the Appeal Panel why a place at the school you wanted was not allocated to your child. The school's Headteacher or his/her representative may accompany the officer. Other than to present the case for the school and the Local Authority, the officer and the Headteacher play no part in the decision making process.
  5. At the appeal hearing you can be accompanied by a friend, adviser, interpreter or signer who may speak on your behalf at the hearing. If you require an interpreter or a signer Committee Services will make the necessary arrangements and provide the service free of charge. If you require a signer or an interpreter please contact Committee Services and they will make the necessary arrangements.

A friend or adviser can be a Choice Adviser, a local elected politician, or an employee of the Local Authority such as an educational social worker, a special educational needs adviser or learning mentor, provided that this will not lead to a conflict of interest. However it is not possible for an employee of the school in question or a member of the admission authority concerned to attend as a friend or adviser.

## WHO ATTENDS THE APPEAL PANEL?

1. The Independent Appeal Panel (the decision making body) will usually be comprised of three people and is completely independent from the school and the Local Authority.
2. Appeal Panels include:
  - Lay members, that is people without personal experience in the management of any school (other than as a governor or in a voluntary capacity);
6. On a rare occasion there may be an observer who is training to be a clerk, an officer or a member of an Appeal Panel. They will play no part at all and will simply observe.

## WILL I HAVE TO ATTEND THE HEARING?

1. The Appeal Panel will hear each case individually and you are strongly



encouraged to attend the hearing in person. This will enable you to give a detailed explanation of your case, and give members of the Appeal Panel the opportunity to ask you questions. Although it is a formal hearing and part of the legal system, it is conducted as informally as possible.

2. If you do not wish to attend, the Appeal Panel will make a decision on the basis of:
  - The written evidence you have provided;
  - A written and/or verbal statement given by the Local Authority about the reasons why your child was not given the school of your preference.
3. If you do not indicate whether you will be attending the hearing, the Appeal Panel will decide to hear your appeal in your absence, provided you have had 10 school days notice of the meeting. If you cannot attend you may ask for the hearing to be heard at a later date, although this cannot be guaranteed

## HOW DO I PREPARE MY CASE?

1. You are responsible for presenting your case and for deciding what written and/or verbal information you want to put before the Appeal Panel.
  - If your appeal relates to an infant class i.e. reception, year 1 and year 2 please see page 7 about infant class size restrictions.
  - If your case relates to any other year group then the Appeal Panel will listen to the individual circumstances of your case. This may be anything that is important to you, your family or your child. There are no restrictions on what you can say. Each family has its own reasons and personal circumstances for appealing. It is important that you inform the Appeal Panel of all the circumstances that you feel are important.
2. You may bring a friend to support you or to present the case for you. You may, if you wish, bring a solicitor to present your case. It would be helpful if you could tell Legal Services that a solicitor will be representing you.
3. The appeal form is an important part of your case and should be filled out carefully.
4. If you wish to rely on written information which is in addition to the appeal form you should attach copies to the form and list the documents on the appeal form. You can bring evidence to the appeal hearing if it is not possible to send it beforehand but this may delay proceedings, as all parties will need to read the information.
5. If you are seeking to rely on medical grounds for your appeal, you are strongly advised to obtain a letter or report from your family doctor or hospital to support your case. You should ask the doctor to say why, in his/her opinion, your child's medical condition means they cannot attend the school allocated or alternatively must attend the school you prefer.
6. If your appeal is based on a change of address you are strongly advised to provide evidence of your current or new address if you are planning on moving house. The Appeal Panel will ask to see this evidence which could be a council tax bill, a tenancy agreement, a utility bill (water, gas or electric) or a letter from a solicitor confirming exchange of contracts.
7. If your appeal is based on bullying grounds, you are strongly advised to produce evidence of the bullying for the Appeal Panel in support of your appeal. This may be in the form of a letter from a Headteacher or Teacher, a Pupil Attendance and Welfare Officer, a Doctor, a Police Officer etc.
8. It is your responsibility to present any supporting documentation e.g. proof of change of address, doctor's letters, information concerning bullying or other relevant information, to the Appeal Panel. The Appeal Panel will expect evidence to support statements made by parents at the appeal. Officers representing the Local Authority and the school may



challenge any information given to the Appeal Panel, which is not supported by documentary evidence. This information may be sent with the appeal form, in which case it should be listed on the appeal form, or it may be presented to the Appeal Panel at the appeal hearing. It will not be possible for the Appeal Panel to be reconvened at a later date to hear additional evidence that you may not have disclosed at the original hearing.

9. Before the appeal hearing, you will receive a copy of the statement from the Local Authority, which summarises:
  - The Local Authority's admission policy.
  - The reason why your child was not offered a place at the school you wanted.
  - The problems that could arise if children were admitted above the admission number.

You will also receive any other documents, which are considered relevant by the Local Authority, for example a statement from the Headteacher of the school. (This may be presented at the appeal hearing).

10. Before the hearing the Appeal Panel will have received and read through all the documents which you and the Local Authority have sent.
11. If you have any queries about the arrangements for the appeal hearing please contact Legal Services. The telephone number is given at the back of this booklet.
12. It may help if you write out the specific points you want to tell the Appeal Panel. It is very rare to be given a second appeal so you must tell the Appeal Panel all the points you want them to consider.

## WHAT HAPPENS AT THE APPEAL?

1. Your appeal will be heard in private and the proceedings are confidential.
2. The appeal hearing follows a set procedure. You may feel the meeting is very structured, as the Chair will be strict on who can speak and when questions

can be asked. However, the Chair will always conduct the meeting in a friendly way and guide you through the whole meeting.

3. The Chair will conduct the meeting in the following way:
  - The Chair introduces the members of the Appeal Panel and everyone else in the room.
  - The clerk then explains the procedure and what will happen next.
  - The Local Authority will put their case.
  - The Appeal Panel and you may then ask questions of the officer from the Local Authority.
  - You will then be asked to give your case.
  - The Appeal Panel and the officer from the Local Authority may then ask questions of you.
  - The officer from the Local Authority will sum up.
  - You will be given the last word when you are given the option to sum up.
  - The Chair will ask you if you have had the opportunity to say everything you wish to say.
4. Both parties leave the room together.
5. If there are several appeals for the same school, the Appeal Panel will make its decisions at the end of all the appeals timetabled for that particular day(s).
6. The clerk remains but has no involvement in the decision making process. He/she will be there purely to assist the Appeal Panel on matters of evidence or procedure and to record the decision.
7. After the decision has been made, the clerk will write to you as soon as practicable. You will not be told the decision at the hearing.

## THE LOCAL AUTHORITY'S CASE

1. The Local Authority can present one of two different cases depending on the circumstances of the appeal.



- For infant classes (reception, year 1 and year 2) where the government has passed a law restricting classes to no more than 30 children.
  - For all other year groups.
2. For infant class size cases, the officer will state that the Local Authority has not acted unreasonably in denying your child a place at the school because the approved City Council policies for admitting children have been followed. Officers have no powers to alter City Council policy and therefore they have acted reasonably.
  3. Provided the Appeal Panel believe the Admissions Policy complies with the School Admission Code they cannot question the City Council's admission policy and must accept it.
  4. The Local Authority will also state that no mistake has been made in applying the policy that has resulted in your child being denied a place.
  5. Further information on infant class appeals can be found on page 7.
  6. For all other year groups, the Local Authority will state that to admit any more children into the year group would 'prejudice' the provision of efficient education or the efficient use of resources. This is the wording used in the School Standards and Framework Act 1998, as amended by the subsequent legislation.  
  
In layman's terms, this means that to add an additional child would lead to overcrowding or make overcrowding worse at the school. If a school admits children above its capacity, then this will cause problems with providing a high standard of education to pupils at the school.
  7. The statement the the Local Authority sends to you before the appeal explains the case in more detail.

## HOW DOES THE APPEAL PANEL REACH A DECISION?

1. The Appeal Panel considers appeals for infant classes differently from other year groups.
2. For infant class appeals.

The Appeal Panel will decide whether you have made out a case on one of the following grounds:

- The decision to refuse to admit your child was not one which a reasonable the Local Authority would make in the circumstances.
- Your child would have been offered a place, if the published admission arrangements had been properly followed.
- Your child would have been offered a place, if the admission arrangements had not been in breach of the School Admissions Code.

If the Appeal Panel agree you have made a case, they will grant your child a place at the school. If you have not proved your case, according to any of the criteria mentioned above, your appeal would be refused.

3. For all other year groups.

Firstly, the Appeal Panel has to decide whether the Local Authority has made a case that no more children can be admitted to the school, as this would cause 'prejudice to the provision of efficient education or efficient use of resources'.

- If the Appeal Panel decide the Local Authority has not made a case, for a single appeal, the Appeal Panel will uphold, that is agree with the appeal for a place.
- If the answer is yes, the Local Authority has made out its case and prejudice would occur, no places are allocated at this stage of the process.
- The Appeal Panel moves onto the second stage called the balancing stage where they examine the individual cases of each appellant to



decide if the reasons put forward are sufficient to outweigh the degree of prejudice caused to the school. If the Appeal Panel agrees that your case is sufficiently strong and outweighs the Local Authority's case of prejudice, they will uphold, that is agree with the appeal for a place.

- If the Appeals Panel believes that the case put forward by the Local Authority is stronger, they will find in favour of the school.

## HOW WILL I FIND OUT THE RESULT OF MY APPEAL?

1. You will be informed in writing of the decision reached by the Appeal Panel and you can expect to hear the result quickly. You will normally be told at the hearing when the decision letters will be sent to you. However, in respect of schools with many appeals, the decision can take longer to reach you because the Appeal Panel will have to hear all the appeals for the school in question before deciding about any one case.
2. Decisions will only be given in writing and you are requested not to contact Legal Services by telephone for the decision.

## INFANT CLASS SIZE RESTRICTIONS

1. There are rules that apply to all appeals for reception, year 1 and year 2. These rules apply if your admission has been refused because the class has reached its legal limit of 30 children per class.
2. In this type of appeal the Appeal Panel are only allowed to look at 3 reasons for granting a place.
  - The first reason is whether the Local Authority has kept to its own rules. If the Local Authority broke its own rules, either deliberately or by mistake, then your appeal can succeed, but only if your child would have been given a place if the rules had been applied properly.
  - The second reason is whether the Local

Authority has acted unreasonably. The law defines 'unreasonable' very carefully in these cases. For the decision to be unreasonable it must be completely illogical or not based on the facts of the case.

- The third reason is that your child would have been offered a place if the admission arrangements had not been in breach of the School Admissions Code

3. The Appeal Panel cannot consider personal factors unless they are relevant to the 3 reasons above.
4. If the Appeal Panel considers that the Local Authority has not proved their case or that any of the 3 exceptions apply, then they can allow the appeal and offer your child a place at your preferred school. This would cause the infant class to rise above 30 children. However, in all other cases not relating to these reasons, the Appeal Panel would have no choice but to dismiss your appeal.
5. If the Appeal Panel considers that the Local Authority have proved that the admission of another child would cause an infant class to rise above 30 children, and none of the three exceptions above apply, then the Appeal Panel will dismiss your appeal. The Appeal Panel will, for legal reasons not be able to go on to the balancing stage of considering your individual circumstances.

## IS THE APPEAL DECISION FINAL?

1. The decision of the Appeal Panel is final and binding upon the Local Authority, the school and you.
2. If you consider that the Local Authority have not followed proper procedures for the allocation process you can complain to the Secretary of State for Education and Skills or the Local Government Ombudsman. However, they would expect that you would have already written to the Local Authority with your complaint beforehand.
3. If you consider that the Appeal Panel has not followed proper procedures in the



appeal hearing you can complain to the Local Government Ombudsman.

## **IF MY APPEAL IS UNSUCCESSFUL CAN I APPEAL AGAIN?**

1. A second appeal will not be considered in the same academic year for the same school unless there has been a significant change in your circumstances, for example a change of address or the subsequent admission of a brother or sister to the school in question.
2. You will not be granted a second appeal because you forgot to present relevant evidence or because you wanted to stress different parts of your case, or because you feel the Appeal Panel did not understand your case.
3. You may, however, submit an appeal for more than one school during the same academic year. It may be helpful to appeal for a number of schools at the same time.

## **TOP 10 TIPS TO HELP WITH AN APPEAL**

1. It is important to make sure that you fill in the appeal form carefully, check it through with someone else if possible. If you wish to submit any additional information, make sure it is attached to the form or make sure you bring it on the day e.g. proof of moving house, letter from a doctor etc.
2. If you require an interpreter to act on your behalf, please let Legal Services know as soon as possible.
3. Make a written note of the specific points you want to stress when you attend the hearing.
4. You should always try and attend in person so the Appeal Panel can ask you questions that will help them better understand your case.
5. Decide if you want to take a friend or relative and make sure you give them plenty of notice of the date.
6. If one of your reasons for admission

is based on medical grounds, you are strongly advised to provide medical evidence to support this claim either from your doctor or hospital.

7. If you are unable to attend on the date given, make sure you let Legal Services know beforehand. Let them know if you want the appeal to go ahead in your absence or if you want it heard at a later date.
8. Please note that the infant class size legislation may affect the likely success of your appeal.
9. Please remember that when considering a request for admission the only address that can be considered is the address where your child lives permanently. The Local Authority defines this as the permanent address of the parent(s) or legal guardian(s). If you intend to use your address as one of the reasons for admission you are strongly advised to provide proof of address.
10. Once your appeal has been sent in, Legal Services or Liverpool Direct Ltd will be happy to answer any queries you might have or to provide any relevant information.

## **CONTACT POINTS**

- Liverpool Direct Ltd 0151 233 3006
- Legal Services 0151 225 2522/4612
- Please return the appeal form within 14 days of the day you receive it to Liverpool Children and Young People's Services, Pupil Admissions Team, Municipal Buildings, Dale Street, L2 2DH
- Retain the booklet for your information.
- If you do not receive an acknowledgement of receipt of your notice of appeal within 10 days of posting please inform Liverpool Direct Ltd 0151 233 3006





- Name of pupil:

Gender (please tick appropriate box): Female ☐ Male ☐

**School allocated by the local authority (if applicable):**

**School(s) for which the appeal is being made:**

**Name of parent or guardian:**

**Address:**

Postcode:

Home telephone:                      Mobile:                      Work:

How long have you lived at this address?

Is your child in the care of the Local Authority? Yes ☐ No ☐



[illegible]

**Please tick as appropriate:**



**I intend to appear at the appeal hearing in person.**

**I do not** intend to appear at the appeal hearing in person.  
This is my written statement which I wish the Appeal Panel to consider.

I enclose a copy of the following letters and documents which I intend to refer to at the appeal hearing. (Please list).

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**Signed:**

Date:        /        /

This Notice of Appeal Form must be returned within 14 days of receipt to:  
**Liverpool Children and Young People's Services, Pupil Admissions  
Team, Municipal Buildings, Dale Street, Liverpool L2 2DH**

Receipt of form acknowledged by the Local Authority:      Date:      /      /